

Just as clearly he is stating that the applicant's specification has contained new matter since Jan 31, 03.

In the summary of interview, he is advocating that the applicant make amendments to the amendments.

Firstly, the applicant asks why he was never apprised of said new matter in the past 3 years so that he could correct the specification.

If the applicant made a typical pro-se error and was not apprised of such then he clearly has based all of his arguments on a misconception of his specification.

Examiner Rowan has never argued that the applicant's description of invention contained the new matter stated by Supervisor Poon.

Surely examiner Rowan would have noticed if an entire 1½ pages of new matter suddenly appeared in the applicant's specification.

Examiner Rowan deleted the entirety of the applicant's description of invention.

Excluding what the supervisor states as new matter, the applicant's description of the structure of said invention should have been left intact instead of deleted.

To do otherwise would be deleting the original disclosure.

The applicant reiterates that he was never apprised of the alleged new matter proposed by the supervisor, and contends that the real issues are whether or not the applicant has been accorded a fair and impartial examination.

The examiner has deleted portions of the applicant's specification which are not stated by the supervisor, to contain new matter such as the applicant's corrected drawing and corrected description of said drawing.

The applicant's application, after amendments, is in a condition which lacks a best mode, an enablement, a description of drawing

which supports Claim 22, and a description of embodiment which supports Claim 22.

Because of the structure deleted by the examiner, Claim 22 is claiming structure not found in the specification or description of drawing and the specification contains new matter by omission.

Aside from Examiner Rowan's obviously erroneous amendments, the supervisor is, in effect, saying that after examining the applicant's specification for 11 months and 2 office actions, Examiner Rowan either did not notice that 1 and ½ pages of new matter had been entered into that one portion of the applicant's specification that is the applicant's description of invention, or that the examiner did notice such but made no attempt to inform the applicant that said matter was inappropriate and required correction.

Clearly the MPEP rules show that the examiner's amendments are erroneous and that the applicant again is not being accorded a fair and impartial examination.

Supervisor Poon is on record as supporting Examiner Rowan's amendments.

In view of said support for Examiner Rowan's obviously erroneous amendments, the applicant cannot help but notice that the entire 1 and ½ pages of new matter pointed out by the supervisor is concentrated in the applicant's now entirely deleted description of invention section.

If the supervisor is correct about the presence of new matter then he has clearly pointed out that only a portion of the applicant's description of invention contains said matter.

The record will show that the portion of said description of invention, not pointed out by the supervisor, describes structure that clearly supports Claim 22 but which is missing from the applicant's specification after amendments.

The record will show that if the new matter alleged by the supervisor had been deleted from the specification, the applicant's

description of invention section would still support the applicant's Claim 22 as will the applicant's corrected drawing and corrected description of drawing.

The applicant contends that the examiner was unjustified in his amendments and reiterates that said examiner did not object to said new matter.

Examiner Rowan's amendments had nothing to do with new matter, or the deletion of such from the record, and were recorded well in advance of Supervisor Poon's allegation of said new matter.

In fact the record shows that the applicant has never received a letter of non-compliance regarding his specification or said new matter.

Despite Supervisor Poon's insistence of the interviews, the applicant will not relieve Examiner Rowan of the responsibility for his erroneous amendments by amending said amendments.

The applicant did not make a voluntary substitution of his specification and likewise will not assume responsibility for Examiner Rowan's failure to apprise the applicant of the condition of his application, regarding new matter, for the past three years.

If new matter is present, the applicant can only assume that Examiner Rowan determined that said matter does not deviate significantly from the original disclosure.

5. There were no other discussions of consequence.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (FAX # 571-273-8300) on this day JAN 6, 2006.

Huey Thomas Crochet

